THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.9542 OF 2005

DATED:05-12-2005

Between:

M.V.Satyanarayana Petitioner

And

The District Collector,East Godavari District and others

Respondents

THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.9542 OF 2005

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as dealer of fair price shop No.5, Cheyyeru Village, Katrenikona Mandal, East Godavari District. The authorization of the petitioner was cancelled by the third respondent –Revenue Divisional Officer, Amalapuram, by proceedings dated 19-9-2002 on the ground of alleged irregularities in distribution of the essential commodities meant for public distribution. It is not in dispute that the third respondent issued a show cause notice and after considering the explanation of the petitioner, the authorization was cancelled. Aggrieved by the same, the petitioner preferred an appeal before the Second respondent-Joint Collector, East Godavari District, which was dismissed by order dated 20th December, 2003. Challenging the same, the petitioner preferred revision before the first respondent-District Collector which was also dismissed by order dated 8-4-2005 .

In this writ petition, the petitioner primarily contends that the orders of both the respondents 1 and 2 are arbitrary and illegal since they failed to consider any of the grounds raised in the Appeal and Revision and both the authorities merely confirmed the findings recorded by the third respondent- Revenue Divisional Officer without application of mind to the relevant facts. On a perusal of the order passed by the first respondent, it is clear that except extracting the charges levelled against the petitioner as well as his explanation and the grounds raised in the revision petition, the first respondent did not assign any reasons in support of his conclusion. The order of the second respondent-Joint Collector also does not reflect the application of mind to the allegations made against the petitioner as well as the explanation offered by him. It is a well settled law that failure of a Quasi judicial authority to assign reasons is a valid ground for exercising the judicial review since such order undoubtedly results in violation of the principles of natural justice.

In the circumstances, on that ground alone the writ petition has to be allowed.

Accordingly, the order of the first respondent is set-aside and the matter is remitted back to the first respondent for consideration of the revision petition afresh and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within eight weeks from the date of receipt of a copy of this order. Till such orders are passed, there shall be a direction to the respondents not to make appointment of dealer in respect of shop in question on permanent basis.

The writ petition is accordingly allowed. No order as to costs.

05-12-2005

Stp